

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.
SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3215

—
(202) 326-7900
FACSIMILE:
(202) 326-7999

January 31, 2023

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

As directed by the Court’s order by memorandum endorsement of December 1, 2022, ECF No. 8780, I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) to bring the Court up to date on the status of the parties’ efforts to propose redactions in accordance with the Court’s November 24, 2020 order, ECF No. 6541. The Plaintiffs’ Executive Committees (“Plaintiffs” or “PECs”), the Federal Bureau of Investigation (“FBI”), and Defendant Dallah Avco all join in this letter.

On January 27, 2023, Plaintiffs proposed removing redactions from twelve prior motion sequences in light of Executive Order 14040 and responded to Saudi Arabia’s proposed redactions it had circulated on November 23, 2022. On January 31, 2023, Plaintiffs proposed removing redactions from an additional prior motion sequence in light of Executive Order 14040. Separate from the scope of review ordered under ECF No. 6541, the parties are completing their review of expert reports and other documents for potential redactions.

On January 23, 2023, Saudi Arabia circulated proposed redactions to its expert’s report to the FBI and Plaintiffs. On January 27, 2023, Saudi Arabia responded to Plaintiffs’ November 28, 2022, email primarily addressing suggested FBI redactions Saudi Arabia had proposed. On January 30 and 31, 2023, Saudi Arabia circulated updated proposed redactions to the FBI and Plaintiffs, removing redactions of materials that were publicly released pursuant to section 2 of Executive Order 14040. Saudi Arabia is still reviewing Plaintiffs’ January 27, 2023 and January 31, 2023 emails addressing additional redactions Saudi Arabia previously proposed and will respond when its review is complete.

The FBI has completed its review of the plaintiffs’ expert reports pursuant to the FBI Protective Order. In connection with that review, the FBI identified a narrow category of information for which an order authorizing disclosure under Federal Rule of Criminal Procedure

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6(e) will be necessary prior to any public disclosure. The government is in the process of preparing an application to the Court for such an order. The FBI has turned to review of other materials for which the parties have submitted proposed redactions under the FBI Protective Order that account for public disclosures made pursuant to Executive Order 14040.

Dallah Avco continues to take no position on the parties' respective proposed redactions.

Counsel for all parties will continue to work to move this process forward. Subject to the Court's approval, we propose to submit another joint status letter on or before March 30, 2023.

Respectfully submitted,

/s/ *Michael K. Kellogg*

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)